

Serial No.: 10/027,079  
Examiner: Tran, Khoa H.  
Reply to Office Action of Aug. 26, 2003

### **REMARKS**

Claims 1-48 remain in the application. By this amendment claims 14, 34, and 40 have been amended. Claims 22, 23, 35, and 48 have been cancelled. The present application as originally filed supports these amendments. No new matter has been added.

#### **Claims 9, 19, 27, and 37-Objections**

Claims 9, 19, 27, and 37 have been objected to because they doubly recite a “a bottom plate”, which has been set form in claim 34. Claims 9, 19, 27, and 37 have been amended by this amendment to obviate these objections. The objections should be reconsidered and withdrawn now.

#### **Claims 21 and 30-Rejections under 35 U.S.C. 112**

Claims 21 and 30 have been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. In particular, the examiner stated that, in the amendments to claims 21 and 30, the recitation of “an end wall extending between the tapered portions of the second flanges of the upright members” constitutes new matter because there is no disclosure of the end walls (42) of the base extending between the tapered portions (26) of the second flanges in the specification. The examiner further stated that FIG. 1 of the subject application clearly shown that the end wall is secured below the tapered portion.

Applicants respectfully disagree with the examiner’s assertion that the amendments to claim 21 and claim 30 constitute new matter and the amendments are not supported by the specification and the drawings as filed under 35 U.S.C. 112. An objective standard for determining compliance with the written description requirement is, ‘does the description clearly allow persons of ordinary skill in the art to recognize that he or she invented what is claimed.’ MPEP 2163.02. The rack shown in FIG. 1 is an exemplary embodiment of the invention. In

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view of the drawings and the specification, a person having ordinary skill in the art should be able to make and use the claimed invention in claims 21 and 30. Therefore, the recitation of "an end wall extending between the tapered portions of the second flanges of the upright members" in the amendment does not constitute new matter.

By this amendment, applicants have amended claims 21 and 30 to more clearly define the invention. The rejections also become moot now because of the new amendments.

**Claims 14, 16, 19-23, and 34-39-Rejections under 35 U.S.C. 103(a)**

Claims 14, 16, 19-23, and 34-39 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,279,756 to Walter et al. in view of U.S. Patent No. 6,321,917 to Mendoza.

Claims 14 and 34 are independent claims and claims 16 and 19-23 depend from claim 14, and claims 35-39 depend from claim 34. By this amendment, applicants have amended independent claims 14 and 34, and have cancelled claim 22, 23 and 35. In view of these amendments, applicants respectfully submit that independent claims 14 and 34, and dependent claims 16, 19-21, and 36-39 are patentable over Walter et al. and Mendoza whether considered independently or in combination, and respectfully request reconsideration and withdrawal of the rejection of claims 14, 16, 19-21, 34, and 36-39.

Independent claim 14, from which claims 16, 19-21 depend, and independent claim 34, from which claims 36-39 depend, have been amended to more clearly define the invention. Independent claims 14 and 34 now recite racks for electrical equipment having angle inserts including vertical plates positioned parallel to and against the upright members and horizontal plates positioned parallel to and against the bottom plate, and at least two side channels each extending at an angle between the horizontal plates of the angle inserts and the vertical plates of

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the angle inserts, each side channel having two ends being respectively affixed to the horizontal plates and the vertical plates, and a central channel extending horizontally between the side channels, the central channel having two opposite ends being affixed to two opposing ends of the at least two side channels. The angle inserts and the side channels strengthen the angle conjunctions between the base plate and the upright members. The central channel with two ends affixed to two opposing ends of the side channels further strengthens the rack system by providing counter-expansion force to the two upright members via the side channels when the two upright members are squeezed toward each other during an earthquake.

Walter et al. discloses a rack having two gussets 20A and 20B, and two inclined inverted U-shaped cross section channel members 20A' and 20B' as shown in FIG. 4. The rack disclosed in Walter et al. does not have a central channel with two ends affixed to the two opposing ends of the side channels to reinforce the side channels, as required in claims 14 and 34. Furthermore, as indicated in the Office Action, Walter et al. does not disclose the angle inserts having horizontal plates positioned parallel to and against the bottom plate and vertical plates positioned parallel to and against to the upright members.

Mendoza also does not teach or suggest a central channel extending between and having two ends affixed to two opposing ends of two side channels. Mendoza discloses a rack having two gussets 306 connecting the vertical channel member to the base plate and a raised grounding strip 320 placed on middle base plate 312. As shown in a perspective view in FIG. 11 and in a top view in FIG. 8 in Mendoza, the raised grounding strip 320 is separated from the gussets 306 by empty regions and brackets 314. Therefore, the raised grounding strip 320 does not reinforce the gussets 306. In contrast, in the subject application, the central channel is affixed to the ends of the side channels. The purpose of this is to reinforce the upright members via the side channels.

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Moreover, in Mendoza, the angle inserts 306, which actually are gussets, do not include horizontal plates positioned parallel to and against the bottom plate. The gussets 306 in Mendoza are perpendicular to the bottom plate 302. In the subject application, the angle inserts include horizontal plates positioned parallel to and against the bottom plate. Mendoza also does not teach or suggest side channels extending between vertical plates and horizontal plates of the angle inserts.

Therefore, neither Walter et al. nor Mendoza teaches or suggests a base having two side channels extending between the horizontal plates and the vertical plates of the angle inserts, and a central channel affixed to two ends of the side channels to reinforce the rack system via the side channels. The subject invention is not obvious for a person having ordinary skill in the art in view of Walter et al. and Mendoza either independently or in combination. Claims 14, 16, 19-21, and 34-39 should be patentable over Walter et al. in view of Mendoza now.

**Claims 1-6, 9-13, and 15- Rejections under 35 U.S.C. 103(a)**

Claims 1-6, 9-13, and 15 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Walter et al. in view of Mendoza, and further in view of U.S. Patent No. 5,983,590 to Serban. Claims 1-6 and 9-13 depend from independent claim 34, and claim 15 depends from independent claim 14. As discussed above, independent claims 14 and 34 should be patentable over Walter et al. in view of Mendoza now. Serban also does not teach or suggest a rack having a central channel extending between and having two ends affixed to two opposing ends of two side channels, each of which extend at an angle between the horizontal plates and the vertical plates of the angle inserts. Therefore, Walter et al., Mendoza, and Serban considered along or in combination, do not render the inventions claimed in claims 14 and 34 obvious. Therefore, independent claims 14 and 34, and dependent claims 1-6, 9-13, and 15 all should be patentable over Walter et al. in view of Mendoza, and further in view of Serban.

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**Claims 1-13, 15, 17, 18, 24-33 and 40-48- Rejections under 35 U.S.C. 103(a)**

Claims 1-13, 15, 17, 18, 24-33 and 40-48 have rejected under 35 U.S.C. 103(a) as being unpatentable over Walter et al. in view of Mendoza, and further in view of U.S. Patent No. 5,819,956 to Rinderer. Claims 1-13 depend from independent claim 34, claims 15, 17, 18, and 24-33 depend from independent claim 14. As discussed above, independent claims 14 and 34 should be patentable over Walter et al. in view of Mendoza now. Rinderer also does not teach or suggest a rack having a central channel extending between and having two ends affixed to two opposing ends of two side channels, each of which extend at an angle between the horizontal plates and the vertical plates of the angle inserts. Therefore, independent claims 14 and 34 also should be patentable over Walter et al. in view of Mendoza, and further in view of Rinderer. Dependent claims 1-13, 15, 17, 18, and 24-33 depend from independent claims 14 and 34, and should also be patentable over Walter et al. in view of Mendoza, and further in view of Rinderer.

Claim 40 is an independent claim, and claim 41-48 depend from claim 40. Independent claim 40 has been amended by this amendment. Claim 48 has been cancelled by this amendment. Independent claim 40 now recite a rack for electrical equipment having angle inserts including vertical plates positioned parallel to and against the upright members and horizontal plates positioned parallel to and against the bottom plate, and at least two side channels each extending at an angle between the horizontal plates and the vertical plates of the angle inserts, each side channel having two ends being respectively affixed to the horizontal plates and the vertical plates, and a central channel extending horizontally between the side channels, said central channel having two opposite ends being affixed to two opposing ends of said at least two side channels. The angle inserts and the side channels strengthen the angle conjunctions between the base plate and the upright members. The central channel with two ends affixed to two opposing ends of the side channels further strengthens the rack system by providing counter-expansion force to the two upright members via the side channels. As

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discussed above, none of Walter et al., Mendoza, or Rinderer teaches or suggests a rack having a central channel extending between and having two ends affixed to two opposing ends of two side channels, each of which extend at an angle between the horizontal plates and the vertical plates of the angle inserts. Walter et al., Mendoza, or Rinderer considered along, or in combination, does not render claim 40 obvious. Therefore, independent claim 40 and dependent claims 41-47 should be patentable over Walter et al., in view of Mendoza, and further in view of Rinderer.

### Conclusion

Applicants, accordingly, respectfully submit that in view of the preceding amendments and arguments, claims 1-21, 24-34, and 36-47 are patentable over the cited references, whether considered alone or in combination, and respectfully request reconsideration and withdrawal of the rejections of these claims under 35 U.S.C. 103(a). If a telephone conference will expedite prosecution of the application the Examiner is invited to telephone the undersigned.

No additional costs are believed to be due in connection with the filing of this paper. However, the Commissioner is hereby authorized to charge any additional fees, or credit any overpayment, to our Deposit Account No. 50-1133.

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Respectfully submitted,

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